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CHAPTER 8

DISSEMINATION

8-1 BASIC POLICY

1. Commanding officers shall establish procedures for the dissemination of classified and controlled unclassified information originated or received by their command.
2. Classified information originated in a non-DoD department or agency shall not be disseminated outside the DoD without the consent of the originator, except where specifically permitted.
3. Authority for disclosure of classified information to foreign governments has been centralized in the Director, Navy IPO who has delegated authority to disclose certain classified information to those commands designated in reference (a).

8-2 TOP SECRET

Top Secret information originated within the DoD shall not be disseminated outside the DoD without the consent of the originator or higher authority.

8-3 SECRET AND CONFIDENTIAL

Unless specifically prohibited by the originator, Secret and Confidential information originated within the DoD may be disseminated to other DoD departments and agencies within the executive branch of the U.S. Government.

8-4 SPECIAL TYPES OF CLASSIFIED AND CONTROLLED UNCLASSIFIED INFORMATION

1. SAPs. The policy and procedures concerning the dissemination of SAP information are contained in reference (b).
2. RD (including CNWDI) and FRD. The policy and procedures concerning access to and dissemination of RD (including CNWDI) and FRD within the DoD are contained in references (c) and (d).
3. NATO. The policies and procedures for the dissemination of NATO information are contained in reference (e). DON documents which incorporate NATO information do not require transmission through NATO channels.

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- 4. COMSEC.** The policies and procedures for the dissemination of COMSEC information are contained in reference (f).
- 5. SCI.** The policies and procedures for the dissemination of SCI are contained in reference (g).
- 6. SIOP and SIOP-ESI.** The policies and procedures for the dissemination of SIOP and SIOP-ESI are contained in reference (h).
- 7. NNPI.** The policies and procedures for the dissemination of NNPI, U-NNPI and DOE Unclassified Controlled Nuclear Information (DOE UCNI) are contained in reference (i).
- 8. FOUO.** The policies and procedures for the dissemination of FOUO information are contained in reference (j). FOUO information may be disseminated within the DoD components and between officials of the DoD components, cleared DoD contractors, consultants, and grantees in the conduct of official business for the DoD and DON. FOUO information may be released to other DoD departments and agencies of the U.S. Government as necessary in the conduct of valid official business and shall be marked per chapter 6, paragraph 6-11.3a. Reference (j) also establishes the policy governing the release of FOUO information to members of Congress and General Accounting Office (GAO) personnel.
- 9. SBU INFORMATION.** The policies and procedures for the dissemination of SBU are the same as those used for FOUO information, reference (j).
- 10. DEA SENSITIVE INFORMATION.** DEA Sensitive information is unclassified information that is originated by the DEA and requires protection against unauthorized disclosure to protect sources and methods of investigative activity, evidence, and the integrity of pretrial investigative reports. Access to DEA Sensitive information shall be granted only to persons who have a valid need-to-know. DEA Sensitive information shall not be released outside the DoD without DEA authorization.
- 11. DoD UCNI.** DoD UCNI is unclassified information on security measures (including security plans, procedures and equipment) for physical protection of DoD Special Nuclear Material, equipment, or facilities. Access to DoD UCNI shall be granted only to persons who have a valid need-to-know and are specifically eligible for access under the provisions of reference (k).

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12. **SENSITIVE INFORMATION (COMPUTER SECURITY ACT OF 1987).** The Computer Security Act of 1987 established requirements for protection of certain information in U.S. Government AISs. This information is referred to as sensitive information and defined as "information, the loss, misuse, or unauthorized access to or modification of which could adversely affect the national interest or the conduct of federal programs, or the privacy to which individuals are entitled under reference (l), but which has not been specifically authorized under criteria established by an E.O. or an Act of Congress to be kept Secret in the interest of national defense or foreign policy." Access to this information shall be limited only to those with a valid need-to-know.

8-5 DISSEMINATION OF INTELLIGENCE INFORMATION

The Director of Central Intelligence has provided controlled relief to the "third agency rule" by authorizing members of the Intelligence Community to use each other's classified intelligence in their intelligence documents, publications and other information media and to disseminate their products to other Intelligence Community organizations, subject to the limitations and procedures described in reference (m).

8-6 DISSEMINATION TO CONGRESS

The policies and procedures for the preparation and processing of classified information to be disseminated to Congress are contained in references (n) and (o).

8-7 DISSEMINATION OF TECHNICAL DOCUMENTS

1. Reference (p) requires the assignment of distribution statements to facilitate control, distribution, and release of documents without the need to repeatedly refer questions to the originating command. The originating command may choose to make case-by-case exceptions to distribution limitations imposed by the statement. Distribution statements also provide the extent of secondary distribution that is permissible without further authorization or approval of the originating command.

2. All newly generated DoD unclassified technical documents shall bear one of the distribution statements described in exhibit 8A. If not already in the public domain and likely to be disseminated outside the DoD, existing unclassified technical documents, including informal documents such as working papers, memoranda, and preliminary reports shall be assigned a distribution statement from exhibit 8A. Existing technical documents do not have to be reviewed for the sole purpose of

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assigning distribution statements but, when they are removed from files, a determination shall be made whether distribution limitations are necessary and, if so, they must be marked accordingly.

3. Classified technical documents shall be assigned Distribution Statements B, C, D, E, or F from exhibit 8A. The distribution statement assigned to a classified document shall be retained on the document after its declassification or until specifically changed or removed by the originating command. Technical documents that are declassified and have no distribution statement assigned shall be handled per Distribution Statement F until changed by the originating command.

4. Information relating to NNPI which is not marked and handled as unclassified NNPI shall be reviewed and approved by the Naval Sea Systems Command (SEA-08) prior to release to the public.

5. This policy covers all newly created technical documents generated by all DoD-funded RDT&E programs which are the basis of the Navy Scientific and Technical Information Program described in reference (q). It applies to newly created engineering drawings, standards, specifications, technical manuals, blueprints, drawings, plans, instructions, computer software and documentation, and other technical information that can be used or be adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning that equipment.

6. Reference (r) applies to unclassified technical data which reveals critical technology with military or space application and requires an approval, authorization, or license for its lawful export and which may be withheld from public disclosure (officially released under proper authority). This withholding authority does not apply to scientific, educational, or other data not directly and significantly related to design, production, or utilization in industrial processes.

8-8 PREPUBLICATION REVIEW

Reference (s) applies to public affairs and reference (t) applies to the clearance of DoD information for public release. Reference (u) establishes the policy that a security and policy review shall be performed on all official DoD information intended for public release including information intended for placement on electronic bulletin boards accessible through the INTERNET or publicly accessible computer servers. Exhibit 8B is an excerpt from reference (u) identifying official DoD

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information prepared by or for DoD personnel and proposed for public release that requires a review by the Assistant Secretary of Defense, Public Affairs (ASD(PA)) via the CNO (N09N2).

REFERENCES

- (a) SECNAVINST 5510.34, *Manual for the Disclosure of DON Military Information to Foreign Governments and International Organizations*, 4 Nov 93
- (b) OPNAVINST S5460.4C, *Control of Special Access Programs Within DON (U)*, 14 Aug 81 (NOTAL)
- (c) DoD Directive 5210.2, *Access to and Dissemination of Restricted Data*, 12 Jan 78 (NOTAL)
- (d) SECNAVINST 5510.30A, *DON Personnel Security Program Regulation*, 10 Mar 99
- (e) OPNAVINST C5510.101D, *NATO Security Procedures (U)*, 17 Aug 82 (NOTAL)
- (f) CMS-1A, *Cryptographic Security Policy and Procedures Manual (U)*, 25 Feb 98 (NOTAL)
- (g) DoD 5105.21-M-1, *DoD Sensitive Compartmented Information Administrative Security Manual*, 3 Aug 98 (NOTAL)
- (h) OPNAVINST S5511.35K, *Policy for Safeguarding the Single Integrated Operational Plan (SIOP) (U)*, 1 Jul 98 (NOTAL)
- (i) NAVSEAINST C5511.32B, *Safeguarding of Naval Nuclear Propulsion Information (NNPI) (U)*, 22 Dec 93 (NOTAL)
- (j) SECNAVINST 5720.42E, *DON Freedom of Information Act (FOIA) Program*, 5 Jun 91
- (k) OPNAVINST 5570.2, *DoD Unclassified Controlled Nuclear Information (DoD UCNI)*, 11 Feb 93
- (l) Title 5 of Public Law 93-579, *The Privacy Act*, (U.S.C., Section 552a)
- (m) DCID 1/7, *Security Controls on the Dissemination of Intelligence Information*, 30 Jun 98 (NOTAL)

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- (n) SECNAVINST 5730.5G, *Procedures for the Handling of Naval Legislative Affairs and Congressional Relations*, 24 Aug 81
- (o) OPNAVINST 5510.158A, *Security Review Guide for Congressional Matters*, 10 Dec 84 (NOTAL)
- (p) DoD Directive 5230.24, *Distribution Statements on Technical Documents*, 18 Mar 87 (NOTAL)
- (q) SECNAVINST 3900.43A, *Navy Scientific and Technical Information Program*, 20 Jul 94 (NOTAL)
- (r) OPNAVINST 5510.161, *Withholding of Unclassified Technical Data from Public Disclosure*, 29 Jul 85
- (s) SECNAVINST 5720.44A, *DON Public Affairs Regulations*, 3 Jun 87
- (t) DoD Directive 5230.9, *Clearance of DoD Information for Public Release*, 9 Apr 96
- (u) DoD Instruction 5230.29, *Security and Policy Review of DoD Information for Public Release*, 6 May 96

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EXHIBIT 8A

PROCEDURES FOR ASSIGNING DISTRIBUTION
STATEMENTS ON TECHNICAL DOCUMENTS

1. Newly generated unclassified technical documents shall be assigned Distribution Statements A, B, C, D, E, F, or X. If not already in the public domain and are likely to be disseminated outside the DoD, existing unclassified technical documents shall be assigned Distribution Statements A, B, C, D, E, F, or X.
2. Technical documents in preliminary or working draft form shall not be disseminated without a proper security classification review and assignment of a distribution statement.
3. Classified technical documents shall be assigned Distribution Statements B, C, D, E, or F. The distribution statement assigned to a classified document shall be retained on the document after declassification or until specifically changed or removed by the originating command. If a technical document without a distribution statement is declassified, it shall be handled as a Distribution Statement F document until otherwise notified by the originating command.
4. If a newly generated technical document contains export-controlled technical data, it shall be marked with the statement in paragraph 1 under "ADDITIONAL NOTICES," in addition to Distribution Statements B, C, D, E, F, or X.
5. Scientific and technical documents which include a contractor-imposed "limited rights" statement shall be appropriately marked and controlled (see "CONTRACTOR-IMPOSED DISTRIBUTION LIMITATIONS" below).
6. The distribution statement shall be displayed conspicuously so it is readily recognized by recipients. For standard written or printed material, the distribution statement shall appear on the face of the document, title page, and DD 1473, "Report Documentation Page." When possible, parts that contain information creating the requirement for the distribution statement shall be prepared as an appendix to permit broader distribution of the basic document. When practicable, the abstract of the document, the DD 1473, and bibliographic citations shall be written in such a way that the information shall not be subject to Distribution Statements B, C, D, E, F, or X. If the technical information is not in standard written or printed form and does not have a cover or title page, the

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distribution statement shall be conspicuously stamped, printed, or written by other means.

7. Distribution statements remain in effect until changed or removed by the originating command. Each command shall establish and maintain a procedure for review of technical documents for which it is responsible, with the objective of increasing their availability as soon as conditions permit. Public release determinations shall be processed per DoD Instruction 5230.29 of 6 May 1996 (NOTAL). When public release clearance is obtained, Distribution Statement A shall be assigned and document handling facilities, including the Defense Technical Information Center (DTIC), shall be notified.

8. Technical documents with superseded distribution limitation markings shall be reviewed and assigned the appropriate distribution statement when a request for the document is received. Superseded distribution limitation markings shall be converted as follows:

a. Documents with distribution marking A or B need not be reevaluated or remarked.

b. Documents with distribution marking #2 shall be assigned Distribution Statement C.

c. Documents with distribution marking #3 (U.S. Government Only) shall be assigned Distribution Statement B.

d. Documents with distribution marking #4 (DoD Only) shall be assigned Distribution Statement E.

e. Documents with distribution marking #5 (Controlled) shall be assigned Distribution Statement F.

9. Originating commands shall promptly notify DTIC and other information repositories holding their technical documents when:

a. The address of designated originating commands is changed.

b. The originating command is redesignated.

c. Classification markings, distribution statements, or export control statements are changed.

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DISTRIBUTION STATEMENTS

1. The following distribution statements are authorized for use on technical documents:

a. "DISTRIBUTION STATEMENT A: Approved for public release; distribution is unlimited."

(1) This statement shall be used only on unclassified technical documents that have been cleared for public release by competent authority per DoD Instruction 5230.29 (NOTAL) and DoD Directive 5230.9 of 9 April 1996 (NOTAL).

(2) Technical documents resulting from contracted fundamental research efforts shall normally be assigned Distribution Statement A, except for those rare and exceptional circumstances where there is a high likelihood of disclosing performance characteristics of military systems, or of manufacturing technologies that are unique and critical to defense, and agreement on this situation has been recorded in the contract or grant.

(3) Technical documents with this statement may be made available or sold to the public including foreign nationals, companies, and governments, and may be exported.

(4) This statement shall never be used on technical documents that formerly were classified without a positive determination of such releasability by the command exercising cognizance over the information prior to release.

(5) This statement shall not be used on classified technical documents or documents containing export-controlled technical data as provided in OPNAVINST 5510.161 of 29 July 1985.

b. "DISTRIBUTION STATEMENT B: Distribution authorized to U.S. Government agencies only; (fill in reason) (date). Other requests for this document shall be referred to (insert originating command)."

(1) This statement shall be used on unclassified or classified technical documents if necessary to ensure distribution limitation in addition to need-to-know requirements of this regulation or in the event the document is declassified.

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(2) Reasons for assigning Distribution Statement B include:

(a) FGI - To protect and limit information distribution per the desires of the foreign government that furnished the technical information. Information of this type is normally classified at the Confidential level or higher.

(b) Proprietary Information - To protect information not owned by the U.S. Government and protected by a contractor's "limited rights" statement, or received with the understanding that it may not be routinely transmitted outside the U.S. Government.

(c) Critical Technology - To protect information and technical data that advance current technology or describe new technology in an area of significant or potentially significant military application or that relate to a specific military deficiency of a potential adversary. Information of this type may be classified or unclassified; when unclassified, it is export-controlled and subject to the provisions of OPNAVINST 5510.161 of 29 July 1985.

(d) Test and Evaluation - To protect results of test and evaluation of commercial products or military hardware when disclosure may cause unfair advantage or disadvantage to the manufacturer of the product.

(e) Contractor Performance Evaluation - To protect information in management reviews, records of contract performance evaluation, or other advisory documents evaluating programs of contractors.

(f) Premature Dissemination - To protect patentable information on systems or processes in the developmental or concept stage from premature dissemination.

(g) Administrative/Operational Use - To protect technical or operational information from automatic dissemination under the International Exchange Program or by other means. This protection covers publications required solely for official use or strictly for administrative or operational purposes. This statement shall be applied to manuals, pamphlets, technical orders, technical reports, and other publications containing valuable technical or operational data.

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(h) Software Documentation - Releasable only per the provisions of DoD Instruction 7930.2 of 31 December 1979 (NOTAL).

(i) Specific Authority - To protect information not specifically included in the above reasons and discussions, but which requires protection per valid documented authority such as E.O.s, classification guidelines, DoD or DON regulations, or policy guidance. When filling in the reason, cite "Specific Authority (identification of valid documented authority)."

c. "DISTRIBUTION STATEMENT C: Distribution authorized to U.S. Government agencies and their contractors; (fill in reason) (date). Other requests for this document shall be referred to (insert originating command)."

(1) May be used on unclassified or classified technical documents if necessary to ensure distribution limitation in addition to need-to-know requirements of this regulation or in the event the document is declassified.

(2) Reasons for assigning Distribution Statement C include:

(a) FGI - Same as Distribution Statement B.

(b) Critical Technology - Same as Distribution Statement B.

(c) Software Documentation - Same as Distribution Statement B.

(d) Administrative or Operational Use - Same as Distribution Statement B.

(e) Specific Authority - Same as Distribution Statement B.

d. "DISTRIBUTION STATEMENT D: Distribution authorized to DoD and DoD contractors only; (fill in reason) (date). Other U.S. requests shall be referred to (insert originating command)."

(1) May be used on unclassified or classified technical documents if necessary to ensure distribution limitation in addition to need-to-know requirements of this regulation or in the event the document is declassified.

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(2) Reasons for assigning Distribution Statement D include:

(a) FGI - Same as Distribution Statement B.

(b) Administrative or Operational Use - Same as Distribution Statement B.

(c) Software Documentation - Same as Distribution Statement B.

(d) Critical Technology - Same as Distribution Statement B.

(e) Specific Authority - Same as Distribution Statement B.

e. "DISTRIBUTION STATEMENT E: Distribution authorized to DoD Components only; (fill in reason) (date). Other requests shall be referred to (insert originating command)."

(1) May be used on unclassified or classified technical documents if necessary to ensure distribution limitation in addition to need-to-know requirements of this regulation or in the event the document is declassified.

(2) Reasons for assigning Distribution Statement E include:

(a) Direct Military Support - Document contains export-controlled technical data of such military significance that release for purposes other than direct support of DoD-approved activities may jeopardize an important technological or operational military advantage of the U.S. Designation of such data is made by competent authority per OPNAVINST 5510.161 of 29 July 1985.

(b) FGI - Same as Distribution Statement B.

(c) Proprietary Information - Same as Distribution Statement B.

(d) Premature Dissemination - Same as Distribution Statement B.

(e) Test and Evaluation - Same as Distribution Statement B.

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(f) Software Documentation - Same as Distribution Statement B.

(g) Contractor Performance and Evaluation - Same as Distribution Statement B.

(h) Critical Technology - Same as Distribution Statement B.

(i) Administrative/Operational Use - Same as Distribution Statement B.

(j) Specific Authority - Same as Distribution Statement B.

f. "DISTRIBUTION STATEMENT F: Further dissemination only as directed by (insert originating command) (date) or higher DoD authority."

(1) Normally used only on classified technical documents, but may be used on unclassified technical documents when specific authority exists.

(2) Distribution Statement F is used when the originator determines that the information is subject to the special dissemination limitation specified in chapter 6, paragraph 6-11.3a.

(3) When a classified document assigned Distribution Statement F is declassified, the statement shall be retained until specifically changed or removed by the originating command.

g. "DISTRIBUTION STATEMENT X: Distribution authorized to U.S. Government agencies and private individuals or enterprises eligible to obtain export-controlled technical data in accordance with OPNAVINST 5510.161. Other requests shall be referred to (originating command)."

(1) This statement shall be used on unclassified documents when Distribution Statements B, C, D, E, or F are not applicable but the document contains technical data per OPNAVINST 5510.161 of 29 July 1985.

(2) This statement shall not be used on classified technical documents. It may be assigned to technical documents that formerly were classified.

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ADDITIONAL NOTICES

1. In addition to the distribution statement, the following notices shall be used when appropriate:

a. All technical documents determined to contain export-controlled technical data shall be marked "WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C. Sec. 2751 et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App 2401, et seq. Violations of these export laws are subject to severe criminal penalties. Disseminate per the provisions of OPNAVINST 5510.161." When it is technically impracticable to use the entire statement, an abbreviated marking shall be used, and a copy of the full statement added to the "Notice To Accompany Release of Export Controlled Data" required by OPNAVINST 5510.161 of 29 July 1985.

2. Unclassified/Limited Distribution documents shall be handled using the same standard as FOUO information, and shall be destroyed by any method that will prevent disclosure of contents or reconstruction of the document. When local circumstances or experience indicate that this destruction method is not sufficiently protective of unclassified limited information, local authorities may prescribe other methods but must give due consideration to the additional expense balanced against the degree of sensitivity.

CONTRACTOR IMPOSED DISTRIBUTION LIMITATIONS

1. Contractors may have proprietary technical data to which the U.S. Government is given limited rights. The contractor shall place a limited rights statement on each document containing contractor controlled technical data furnished to the U.S. Government. Documents with limited rights information shall be assigned Distribution Statements B, E, or F.

2. Limited rights is defined as the right to use, duplicate, or disclose technical data in whole or in part, by or for the U.S. Government, with the express limitation that such technical data, without the written permission of the party furnishing the technical data, shall not be:

a. Released or disclosed in whole or in part outside the U.S. Government.

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b. Used in whole or in part by the U.S. Government for manufacture, or in the case of computer software documentation, for reproduction of the computer software.

c. Used by a party other than the U.S. Government, except for:

(1) Emergency repair or overhaul work only by or for the U.S. Government, when the item or process concerned is not otherwise reasonably available to enable timely performance of the work, provided that the release or disclosure outside the U.S. Government will be made subject to a prohibition against further use, release, or disclosure; or

(2) Release to a foreign government, as the interest of the U.S. Government may require, only for information or evaluation within the foreign government or for emergency repair or overhaul work by or for the foreign government under the conditions of subparagraph (1) above.

3. The limited rights statement remains in effect until changed or cancelled under contract terms or with the permission of the contractor and the controlling office notifies recipients of the document that the statement has been changed or cancelled. Upon cancellation of the limited rights statement, the distribution, disclosure, or release of the technical document will then be controlled by its security classification or, if it is unclassified, by the appropriate distribution statement.

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EXHIBIT 8B

CATEGORIES OF INFORMATION WHICH REQUIRE REVIEW AND CLEARANCE
BY THE ASD(PA) PRIOR TO PUBLIC RELEASE

1. Certain categories of information require review and clearance by the ASD(PA) via the CNO (N09N2) before public release. They include information which:

a. Originates or is proposed for public release in the Washington, D.C. area;

b. Is or has the potential to become an item of national or international interest;

c. Affects national security policy or foreign relations;

d. Concerns a subject of potential controversy among the DoD components or with other federal agencies;

e. Is presented by a DoD employee, who by virtue of rank, position, or expertise would be considered an official DoD spokesperson;

f. Contains technical data, including data developed under contract or independently developed and controlled by the International Traffic in Arms Regulation (ITAR), that may be militarily critical and subject to limited distribution, but on which a distribution determination has not been made; or,

g. Bears on any of the following subjects:

(1) New weapons or weapons systems, significant modifications or improvements to existing weapons, weapons systems, equipment, or techniques.

(2) Military operations, significant exercises, and operations security.

(3) National Command Authorities; command, control, communications, computers, and intelligence; information warfare; and computer security.

(4) Military activities or application in space; nuclear weapons, including nuclear weapons effects research; chemical warfare and defensive biological warfare; and arms control treaty implementation.